

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA - ATLANTA DIVISION

IN RE:

FRANK LEE WILLIAMS AKA FRANK L.
WILLIAMS AKA FRANK WILLIAMS,

Debtor.

HSBC BANK USA, NATIONAL
ASSOCIATION AS TRUSTEE FOR
RENAISSANCE HOME EQUITY LOAN
ASSET-BACKED CERTIFICATES, SERIES
2007-3,

Movant,

v.

FRANK LEE WILLIAMS AKA FRANK L.
WILLIAMS AKA FRANK WILLIAMS,

Debtor,

K. EDWARD SAFIR, Trustee,

Respondents.

CASE NO. 18-68695-sms

CHAPTER: 13

JUDGE: HONORABLE SAGE M.
SIGLER

CONTESTED MATTER

MOTION FOR ORDER LIFTING STAY

Pursuant to the Order entered in this contested matter on July 14, 2022, a copy of which is attached, Movant requests the Court to enter an Order lifting the automatic stay to permit Movant to foreclose. As shown in the attached Affidavit in support of this Motion, there was a default in making payments required under the Order.

Movant also requests that it be relieved from complying with Fed. R. Bank, P. 3002.1 and that the provisions of Bankruptcy Rule 4001(a)(3) be waived.

/s/ Andrea Betts

Andrea Betts, Bar No.: 432863
Attorney for Movant
Aldridge Pite, LLP
Six Piedmont Center
3525 Piedmont Road, N.E., Suite 700
Atlanta, GA 30305
Phone: (404) 994-7400
Fax: (888) 873-6147
Email: abetts-whalen@aldridgepite.com



IT IS ORDERED as set forth below:

Date: July 14, 2022

Sage M. Sigler
U.S. Bankruptcy Court Judge

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

FRANK LEE WILLIAMS AKA FRANK L.
WILLIAMS AKA FRANK WILLIAMS,
Debtor.

HSBC BANK USA, NATIONAL
ASSOCIATION AS TRUSTEE FOR
RENAISSANCE HOME EQUITY LOAN
ASSET-BACKED CERTIFICATES, SERIES
2007-3,

Movant,

v.

FRANK LEE WILLIAMS AKA FRANK L.
WILLIAMS AKA FRANK WILLIAMS,
Debtor
K. EDWARD SAFIR, Trustee,
Respondents.

CASE NO. 18-68695-sms

CHAPTER: 13

JUDGE: HONORABLE SAGE M.
SIGLER

CONTESTED MATTER

CONSENT ORDER ON MOTION FOR RELIEF FROM STAY (#45)

The above styled Motion filed April 21, 2022, (Docket No. 45) having been scheduled for a hearing before the Court on June 28, 2022, upon Notice of Assignment of Hearing to each of the above-captioned parties in interest, and it appearing to the Court that the parties consent hereto:

THE PARTIES AGREE that the post-petition arrearage through July 1, 2022, totals \$1,238.00 for \$188.00 for a filing fee and \$1050.00 in reasonable attorney's fees.

This arrearage shall be paid as follows:

Movant acknowledges suspense funds in the amount of \$44.90. Beginning July 1, 2022, Debtor shall resume timely remittance of the regular monthly mortgage payments. The balance of \$1,193.10 is to be paid through the plan. Movant shall be authorized to file a post-petition claim for this amount.

Payments should be sent to:

PHH Mortgage Services
Mailstop SBRP
PO Box 5469
Mt. Laurel, NJ 08054

or to such address as may be designated.

IT IS HEREBY ORDERED that the Motion for Relief from Stay with respect to 2527 Browns Mill Rd. SE, Atlanta Georgia 30354 is **DENIED**, as the parties herein agree that the interest of Movant is adequately protected by payment and performance as more particularly set forth hereinafter. It is

FURTHER ORDERED that should Debtor default in payment of any sum specified herein, or in any regular monthly mortgage payments which come due according to Movant's Loan Documents while this Chapter 13 proceeding is pending, then upon notice of default sent by first class mail to Debtor, attorney for Debtor and the Trustee, and failure of Debtor to cure such default within ten (10) days from the date of receipt of such notice, Movant may file a

motion and affidavit of default, with service upon Debtor, attorney for Debtor and the Trustee, and the Court may enter an Order modifying the automatic stay, without further notice or hearing. It is

FURTHER ORDERED that in the event relief from the automatic stay is later granted, the Trustee shall cease funding any balance of Movant's claim, and the provisions of Fed. R. Bank. P. 4001(a)(3) may be waived. It is

FURTHER ORDERED that upon completion of any foreclosure sale, any funds in excess of the amount due to Movant and to any subordinate lienholders properly entitled to receive proceeds under applicable State Law that would otherwise be payable to the Debtor, shall be paid to the Trustee for the benefit of the Estate while the Debtor remains in bankruptcy.

[END OF DOCUMENT]

CONSENTED TO BY:

/s/ Brian K. Jordan

Brian K. Jordan, Bar No.: 113008
Attorney for Movant
Aldridge Pite, LLP
Fifteen Piedmont Center 3575 Piedmont
Road, N.E., Suite 500 Atlanta, GA 30305
Phone: (404) 994-7400
Fax: (619) 590-1385
Email: bjordan@aldridgepite.com

/s/ Howard P. Slomka with express permission

Howard P. Slomka, Bar No. 652875
Attorney for Debtors
Slipakoff & Slomka, PC
Suite 391
6400 Powers Ferry Road NW
Atlanta, GA 30339
Phone: (404) 800-4001
Email: HS@ATL.law

NO OPPOSITION:

/s/ Albert C. Guthrie with express permission

Albert c. Guthrie, Bar No. 142399

Staff Attorney for Trustee

Standing Chapter 13 Trustee

Suite 1600

285 Peachtree Center Ave. NE

Atlanta, GA 30303

Phone: 404-525-1110

Email: courtdailysummary@atlch13tt.com

DISTRIBUTION LIST

Frank Lee Williams
2527 Browns Mill Rd SE
Atlanta, GA 30354

Howard P. Slomka
Slipakoff & Slomka, PC
Suite 391
6400 Powers Ferry Road NW
Atlanta, GA 30339

K. Edward Safir
Standing Chapter 13 Trustee
Suite 1600
285 Peachtree Center Ave. NE
Atlanta, GA 30303

Aldridge Pite, LLP
Fifteen Piedmont Center
3575 Piedmont Road, N.E., Suite 500
Atlanta, GA 30305

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA - ATLANTA DIVISION

IN RE:

FRANK LEE WILLIAMS AKA FRANK L.
WILLIAMS AKA FRANK WILLIAMS,

Debtor.

HSBC BANK USA, NATIONAL
ASSOCIATION AS TRUSTEE FOR
RENAISSANCE HOME EQUITY LOAN
ASSET-BACKED CERTIFICATES, SERIES
2007-3,

Movant,

v.

FRANK LEE WILLIAMS AKA FRANK L.
WILLIAMS AKA FRANK WILLIAMS,
Debtor,
K. EDWARD SAFIR, Trustee,

Respondents.

CASE NO. 18-68695-sms

CHAPTER: 13

JUDGE: HONORABLE SAGE M.
SIGLER

CONTESTED MATTER

AFFIDAVIT

Diego Rojas

I, _____, being duly sworn on oath, depose and state:

1. I am over 18 years of age and am competent to testify about the facts contained herein. I am employed as a Contract Management Coordinator of PHH Mortgage Corporation as servicing agent for HSBC Bank USA, National Association as Trustee for Renaissance Home Equity Loan Asset-Backed Certificates, Series 2007-3, ("Movant"). As part of my job responsibilities for PHH Mortgage Corporation, I am familiar with the types of records maintained by PHH Mortgage Corporation in connection with the Loan and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of PHH Mortgage Corporation that pertain to the Loan and extensions of credit given to Debtor(s)

concerning the Property. The information in this affidavit is taken from PHH Mortgage Corporation business records regarding the Loan. I have personal knowledge of PHH Mortgage Corporation procedures for creating these types of records. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge; (b) kept in the course of PHH Mortgage Corporation regularly conducted business activities; and (c) it is the regular practice of PHH Mortgage Corporation to make such records. I make this affidavit based on my review of the records with regard to this underlying loan transaction, which are kept in the ordinary course of business of PHH Mortgage Corporation.

2. Since the entry of the Order on Motion for Relief from Stay entered on July 14, 2022, there has been a default in payments required under said Order as follows:

3. As of the Notice of Default mailed on February 8, 2024, the default consists of the failure to remit the regular monthly mortgage payments in the amount of \$1,151.51 each, for the months of December 2023 through February 2024. The total amount necessary to cure the default was \$3,096.64, which reflects \$357.89 held in suspense.

As of the expiration on the Notice of Default, funds in the total amount of \$1,000.00 have been received which is not enough to cure the default.

As of March 4, 2024, the default consists of the failure to remit the regular monthly mortgage payments in the amount of \$1,151.51 each, for the months of January 2024 through March 2024. The total amount necessary to cure the default was \$3,248.15, which reflects \$206.38 held in suspense.

4. Pursuant to the Order, the parties were notified of the default by letter, a copy of which is attached.

5. The default was not cured within the time permitted under the Order.

6. Because of the default, Affiant submits that Movant is entitled to the relief for which the Order provides.

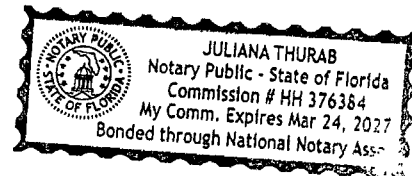
Diego Rojas 4/4/2024
Name: Diego Rojas
Title: Contract Management Coordinator

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization, this 4 day of APRIL 2024, by Diego Rojas as Contract Management Coordinator for PHH Mortgage Corporation, who is the servicer for HSBC Bank USA, National Association as Trustee for Renaissance Home Equity Loan Asset-Backed Certificates, Series 2007-3, who is **personally known to me** or who has produced _____ as identification.

Juliana Thurab
Signature of Notary Public

Name of Notary Public: Juliana Thurab
Notary Commission Expiration Date: _____
Personally known: ✓
OR Produced Identification: _____
Type of Identification Produced: _____





Alabama · Alaska · Arizona · California · Florida · Georgia · Hawaii · Idaho · Nevada · New Mexico · New York · Oregon · Tennessee · Texas · Utah · Washington

February 8, 2024

Frank Lee Williams
aka Frank L. Williams
aka Frank Williams
2527 Browns Mill Rd SE
Atlanta, GA 30354

Howard P. Slomka
Slipakoff & Slomka, PC
6400 Powers Ferry Road
Suite 200
Atlanta, GA 30339

Re: Williams, Frank Lee
Bankruptcy Case No.: 18-68695-sms
Creditor: HSBC Bank USA, National Association as Trustee for Renaissance Home
Equity Loan Asset-Backed Certificates, Series 2007-3
Our File No.: 000006-005473.001-M
Property Address: 2527 Browns Mill Rd. SE, Atlanta Georgia 30354

Dear Addressees:

I am writing to you on behalf of HSBC Bank USA, National Association as Trustee for Renaissance Home Equity Loan Asset-Backed Certificates, Series 2007-3 to advise you that there has been a default on payments pursuant to the Order filed July 14, 2023.

The default is the result of failure to remit the regular monthly mortgage payment of \$1,151.51 for the months of December 2023 through February 2024. The total amount necessary to cure the default is **\$3,096.64**, which reflects a credit of \$357.89 in suspense. Payment should be sent directly to PHH Mortgage Services, PO Box 24781, ATTN: SV19, West Palm Beach, FL 33416. Payment in less than the full amount might not be accepted. For any questions regarding this notice, please call (404) 994-7400.

If this default is not cured within ten (10) days after the date of receipt of this notice, additional fees and costs may be incurred, and the Court may enter an Order granting the relief for which the Order provides.

Please contact the undersigned if you have questions regarding the default.

Sincerely,

/s/ Andrea Betts-Whalen

Andrea Betts-Whalen
abetts-whelen@aldridgepite.com
(404) 994-7400

cc: K. Edward Safir
Standing Chapter 13 Trustee
Suite 1600
285 Peachtree Center Ave. NE
Atlanta, GA 30303

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify under penalty of perjury that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that on the April 8, 2024, I caused a copy of the **Motion for Order Lifting Stay, Proposed Order Granting Motion for Relief from Stay and Affidavit** to be served which were filed in this bankruptcy matter on the April 8, 2024, in the manner indicated:

The following parties have been served by the Court by the virtue of their participation in the CM/ECF system:

Howard P. Slomka

Department of Justice

K. Edward Safir

The following parties have been served via U.S. First Class Mail:

Frank Lee Williams
2527 Browns Mill Rd SE
Atlanta, GA 30354

**I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.**

Dated: April 8, 2024

/s/ Andrea Betts-Whalen

Andrea Betts-Whalen, Bar No.: 432863

Attorney for Movant

Aldridge Pite, LLP

Six Piedmont Center

3525 Piedmont Road, N.E., Suite 700

Atlanta, GA 30305

Phone: (404) 994-7400

Fax: (888) 873-6147

Email: abetts-whalen@aldridgepite.com